

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
AN ORDINANCE approving the awarding  
of Reference #5053 by the City of  
Fort Wayne, Indiana, by and through  
its Department of Purchasing and  
DEHNER CONSTRUCTION, INC. for the  
Water Engineering Department.

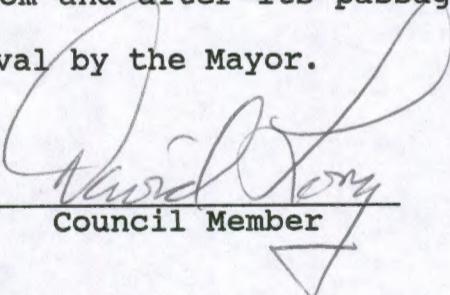
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #5053 between the City of  
Fort Wayne, by and through its Department of Purchasing  
and DEHNER CONSTRUCTION, INC. (single source vendor) for  
the Water Engineering Department, respectfully for:

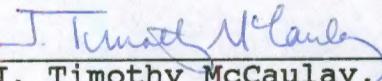
the installation of 260± LF of  
24" x  $\frac{1}{4}$ " steel casing pipe under  
proposed I-469 at Young Road by open  
cut method for the Water Engineering  
Department;

involving a total cost of Twenty-One Thousand Five Hundred  
Eighty and no/100 Dollars (\$21,580.00), all as more  
particularly set forth in said Reference #5053, which is  
on file in the Office of the Department of Purchasing, and  
is by reference incorporated herein, made a part hereof,  
and is hereby in all things ratified, confirmed and  
approved.

SECTION 2. That this Ordinance shall be in full  
force and effect from and after its passage and any and  
all necessary approval by the Mayor.

  
\_\_\_\_\_  
David W. Dickey  
Council Member

APPROVED AS TO FORM  
AND LEGALITY

  
\_\_\_\_\_  
J. Timothy McCaulay, City Attorney

REFERENCE NO.: 5053  
DEPARTMENT: WATER ENGINEERING  
DATE: 11/24/92  
ITEM/SERVICE: INSTALLATION OF PIPE ON YOUNG ROAD  
ADVERTISED BID: YES  
DATES ADVERTISED: 10/26/92 & 11/02/92  
DATE OPENED: 11/05/92  
WRITTEN QUOTE:  
DATE DUE:  
VERBAL QUOTE:  
SINGLE SOURCE:  
NO. OF VENDORS NOTIFIED: 7  
NO. OF VENDORS RECEIVING BID: 2  
NO. OF VENDORS RETURNING BID: 1  
NO. OF VENDORS DISQUALIFIED: 0  
NO. OF VENDORS NOT RESPONDING: 6  
DATE SENT TO DEPT FOR RECOMM: 11/16/92  
DATE RECOMM RECEIVED BACK: 11/18/92  
DATE SENT TO LAW DEPARTMENT: 11/18/92  
INTRODUCTION DATE: 11/24/92  
DISCUSSION DATE: 12/01/92  
PASSAGE DATE: 12/08/92

I.T.B. #5053  
YOUNG ROAD WATER CONTRACT  
WATER ENGINEERING  
11/16/92

ITEM/DESCRIPTION	QTY	DEHNER CONSTR
STEEL CASING PIPE	260	\$83.00 \$21,580.00

FRONT PAGE/INVITATION TO BID  
DEPARTMENT OF PURCHASING  
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA  
ONE MAIN STREET - ROOM 350  
PHONE 219-427-1101

BID OPENING DATE 11/5/92 BID REFERENCE # 5053

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR ALL LABOR, EQUIPMENT, TOOLS, POWER, TRANSPORTATION, ETC., NECESSARY TO INSTALL 260+/- L.F. OF 1/4"X24" STEEL CASING PIPE PER ATTACHED PLANS & SPECIFICATIONS

AND REQUESTED BY WATER ENGINEERING

THIS BID REQUIRES A XX 5% BID BOND OR CERTIFIED CHECK OF ALL BIDDERS.

THIS BID REQUIRES A XX 100% PERFORMANCE PAYMENT BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: \_\_\_\_\_ % IF PAID WITHIN \_\_\_\_\_ DAYS.

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME DEHNER CONSTRUCTION, INC.

STREET ADDRESS 5406 WINCHESTER ROAD

CITY FORT WAYNE PHONE # (219) 747-5679

BY Gregory Dehner  
REPRESENTATIVE SIGNATURE  
Gregory Dehner - President

## BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

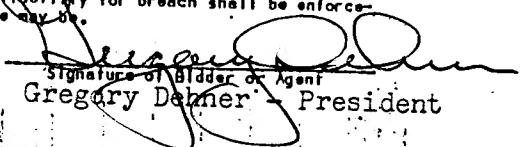
(Defined at I.C. 36-1-2-9.5)  
(Please type or print)

1. Governmental Unit: City of Fort Wayne, Indiana  
 2. County: Allen  
 3. Bidder (Firm): Dehner Construction, Inc.  
 Address: 5406 Winchester Road  
 City/State: Fort Wayne, Indiana 46819  
 4. Telephone Number: (219) 747-5679  
 5. Agent of Bidder (if applicable): N/A

Date: November 12, 1992

Pursuant to notices given, the undersigned offers bid(s) to City of Ft. Wayne, Indiana (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

  
 Signature of Bidder or Agent  
Gregory Dehner President

## BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body.  
 Following is an example of the bid format:

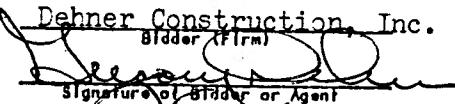
Class or Item	Quantity	Unit	Description	Unit Price	Amount

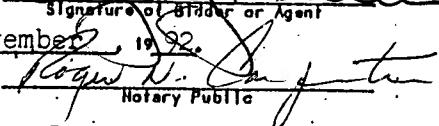
## NON-COLLUSION AFFIDAVIT

STATE OF INDIANA )  
 ) SSI:  
Allen COUNTY )

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by, anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

  
 Signature of Bidder or Agent  
Dehner Construction, Inc.  
 Bidder (Firm)

  
 Signature of Notary Public  
Roger N. Carpenter  
 Notary Public

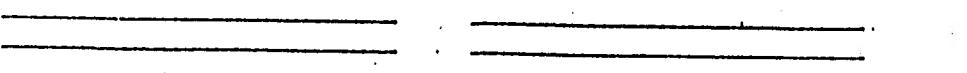
... Roger N. Carpenter  
 Notary Public Printed Name

## ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered   and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Contracting Authority Members:

Date:  



BID  
OF

DEHNER CONSTRUCTION

SOCIETY FOR  
THE HISTORY OF  
THE AMERICAN  
CIVIL WAR

5406 WINCHESTER ROAD (Contractor)

卷之三

FORT WAYNE, INDIANA (Address)

FOR SALE OR  
LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9, 5)

November 12, 1911

this        day of

Date  
**IF NO PART OF BID IS ACCEPTED, WRITE  
THE WORD "REJECTED" ACROSS PAGE**

**BID**  
**YOUNG ROAD - S.R. 469**  
**WATER CONTRACT 9218**  
**CITY OF FORT WAYNE, INDIANA**  
**IMPROVEMENT TO FORT WAYNE WATER UTILITY**

ALL WORK SHALL BE COMPLETED WITHIN 30 DAYS AFTER ISSUANCE OF THE NOTICE TO PROCEED. THOSE DAYS WHICH THE CONTRACTOR CANNOT WORK BECAUSE OF SEVERELY INCLEMENT WEATHER, SHALL NOT BE COUNTED.

**NOTE: THE USE OF CORRECTION FLUID IN THE AREA OF UNIT PRICE, EXTENSION, OR TOTAL ON THIS BID WILL BE CAUSE FOR REJECTION.**

In submitting this bid, it is understood that the right is reserved by the OWNER to reject any and all bids and to waive any defect in any bid.

**IN WITNESS WHEREOF**, the bidder (a firm), by its owner(s) named below, hereunto set hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

**NAME OF FIRM:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_  
\_\_\_\_\_

**TELEPHONE** \_\_\_\_\_

**BY:** \_\_\_\_\_ Owner  
**SIGNATORY** **PRINTED NAME OF SIGNATORY**

\*\*\*\*\*

**IN TESTIMONY WHEREOF**, the bidder (a corporation) has caused this proposal to be signed by its President and Secretary, and, affixed its corporate seal this 12th day of November, 1992.

**NAME OF FIRM:** DEHNER CONSTRUCTION, INC.

**ADDRESS:** 5406 Winchester Road  
Fort Wayne, Indiana 46819

**TELEPHONE** (219) 747-5679

**BY:** Gregory Dehner President  
**SIGNATORY** **PRINTED NAME OF SIGNATORY**

**ATTEST:** Thomas H. Sadler  
Thomas H. Sadler - Secretary

**NOTE 1: Use this form, if Certified Check accompanies bid.**

Enclosed herewith, find Certified Check in the amount of \$ \_\_\_\_\_, being 5% of the maximum bid herein, made payable to:

**THE CITY OF FORT WAYNE, INDIANA**

the proceeds of which are to remain the absolute property of said City, if

\_\_\_\_\_ (bidder) shall not within 10 days after Notice of Acceptance of the within bid enter into a written contract and secure said contract by a Performance Bond for the full amount of the contract to the approval of the proper officials of said City.

\*\*\*\*\*  
\*\*\*

**NOTE 2: Use this form if Bidder's Bond accompanies bids.**

Enclosed herewith, find a Bidder's Bond in an amount equal to five percent (5%) of maximum bid herein, subject to the approval of the Purchasing Department, conditioned as follows:

That if the Purchasing Department shall award the contract for said work, and if Dehner Construction, Inc. (bidder) shall enter into a contract and furnish a 100% Performance Bond, as required, within ten days (10) from the date, he/she/it is notified of the acceptance of his/her/its bid, then the obligation of said bond shall be null and void; otherwise, to remain in full force and effect.

CONTRACTORS BID FOR PUBLIC WORKS  
PART I(To be completed for all bids)  
(Please type or print)

Date: November 12, 1992

1. Governmental Unit: City of Fort Wayne, Indiana  
 2. County: Allen  
 3. Bidder (Firm): Dehner Construction, Inc.  
 Address: 5406 Winchester Road  
 City/State: Fort Wayne, Indiana 46819  
 4. Telephone Number: (219) 747-5679  
 5. Agent or Bidder (if applicable): N/A

Pursuant to notices given, the undersigned offers to furnish labor and/or material necessary to complete the public works project of City of Fort Wayne, In. (Governmental Unit) in accordance with plans and specifications of said unit for the sum of \* \$ 21,580.00. The undersigned further agrees to furnish a bond or certified check with this bid for an amount specified in the notice of the letting. If alternative bids apply, submit a proposal for each in accordance with the notice.

\* Twenty One Thousand, Five Hundred Eighty Dollars and No Cents

If additional units of material included in the contract are needed, the cost of units must be the same as that shown in the original contract. If the bid is to be awarded on a unit basis, the itemization of units shall be shown on a separate attachment. The Contractor and his subcontractors, if any, shall not discriminate against or intimidate any employee, or applicant for employment to be employed in the performance of this contract, with respect to any matter directly or indirectly related to employment because of race, religion, color, sex, national origin or ancestry. Breach of this covenant may be regarded as a material breach of the contract.

CERTIFICATION OF USE OF UNITED STATES STEEL PRODUCTS  
(If applicable)

I, the undersigned bidder or agent as a contractor on a public works project, understand my statutory obligation to use steel products made in the United States. I.C. 5-16-8-2, I hereby certify that I and all subcontractors employed by me for this project will use U.S. steel products on this project if awarded. I understand that violations hereunder may result in forfeiture of contractual payments.

## NON-COLLUSION AFFIDAVIT

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting, nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firm, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

## OATH AND AFFIRMATION

I affirm under the penalties of perjury that the foregoing facts and information are true and correct to the best of my knowledge and belief.  
Dated at Ft. Wayne, In this 12th day of November, 1992.

Dehner Construction, Inc.  
(name of organization)  
By: Gregory Dehner - President  
(title of person signing)

## ACKNOWLEDGEMENT

STATE OF INDIANA  
COUNTY OF ALLEN

of the above Gregory Dehner Corporation, being duly sworn, deposes and says that he is President and that the statements contained in the foregoing bid, certification and affidavit are true and correct.

Subscribed and sworn to before me this 12th day of November, 1992.

My commission expires: January 13, 1995

## ACCEPTANCE

The above bid is accepted this \_\_\_\_\_ day of \_\_\_\_\_, 1992, subject to the following conditions:

Contracting Authority Members:

---



---



---



---



---



---

**PART II**

(Complete sections I, II, III and IV for all state and local  
public works projects as required by statutes.)

Governmental Unit: City of Fort Wayne, Indiana  
Bidder Firm: Dehner Construction, Inc.  
Date: November 12, 1992

These statements to be submitted under oath by each bidder with and as a part of his bid. Attach additional pages for each section as needed.

**SECTION I EXPERIENCE QUESTIONNAIRE**

1. What public works projects has your organization completed?

Contract Amount	Class of Work	When Completed	Name and address of Owner
<u>139,969.00</u>	<u>Waterline</u>	<u>1992</u>	<u>City of Ft. Wayne, In.</u>
<u>240,463.70</u>	<u>Concrete</u>	<u>1992</u>	<u>City of Ft. Wayne, In.</u>
<u>26,226.00</u>	<u>Sewer</u>	<u>1992</u>	<u>City of Columbia City, In.</u>
<u>32,485.50</u>	<u>Sewer</u>	<u>1992</u>	<u>Town of Markle, Indiana</u>

2. What public works projects has your organization now in process of construction?

Contract Amount	Class of Work	When Completed	Name and address of Owner
<u>74,468.53</u>	<u>Concrete</u>	<u>Nov. 1992</u>	<u>City of Ft. Wayne, In.</u>
<u>18,267.25</u>	<u>Concrete</u>	<u>Nov. 1992</u>	<u>City of Ft. Wayne, In.</u>
<u>20,000.00</u>	<u>Sewer</u>	<u>Dec. 1992</u>	<u>Allen County, Indiana</u>

3. Have you ever failed to complete any work awarded to you? NO If so, where and why?

4. List references from private firms for which you have performed work.  
Dana Corporation, Ft. Wayne, In. - Centennial Developpement Corp.  
Press Seal Gasket Corp. - Ft. Wayne Community Schools.

**SECTION II PLAN AND EQUIPMENT QUESTIONNAIRE**

1. Explain your plan or layout for performing proposed work.

2. If you intend to sublet any portion of the work, state the name and address of each subcontractor, equipment to be used by the subcontractor, and whether you expect to require a bond.

3. What equipment do you intend to use for the proposed project?

4. Have you made contracts or received offers for all materials within prices used in preparing your proposal?

**SECTION III CONTRACTOR'S FINANCIAL STATEMENT**

Attachment of bidder's financial statement is mandatory. Any bid submitted without said financial statement as required by statute shall thereby be rendered invalid. The financial statement provided hereunder to the governing body awarding the contract must be specific enough in detail to that said governing body can make a proper determination of the bidder's capability for completing the project if awarded.

**SECTION IV OATH AND AFFIRMATION**

I hereby affirm under the penalties of perjury that the facts and information contained in the foregoing bid for public works are true and correct to the best of my knowledge and belief.

Dated at Ft. Wayne, In this 12th day of November, 1992.

DEHNER CONSTRUCTION, INC.

(name of organization)

By: Gregory Dehner - President  
(name of person signing)

STATE OF INDIANA )  
                          ) SS  
COUNTY OF ALLEN            )

**ACKNOWLEDGEMENT**

Gregory Dehner being duly sworn, deposes and says that he is President of the above Corporation and that the answers to the questions in the foregoing questionnaires and all statements therein contained are true and correct.

Subscribed and sworn to before me this 12th day of November, 1992.

Roger N. Carpenter  
Notary Public

Roger N. Carpenter  
printed name of notary public

My commission expires: January 13, 1996  
County of residence: Allen

**CURRENT CONTRACTUAL OBLIGATIONS**

Entries on this sheet are to cover all construction work under contract or verbal performance agreement or pending award to the contractor signing, whether as principal or as sub-contractor and with any owner including the United States Government (see Qualification Regulations).

**WORK NOW UNDER CONTRACT**

Contract number	Contract Entered into with	Value of Work Unearned	Type of Work Yet to Perform	Est. Date Completion
6231-91	City of Fort Wayne, In.	74,468.53	Concrete	Nov. 1992
6280-92	City of Fort Wayne, In.	18267.25	Concrete	Nov. 1992
	Primco, Inc. Allen County	20,000.00	Sewer	Dec. 1992

Total under Contract and Unearned: \$ 112,735.78

**SUBLET TO APPROVED QUALIFIED SUB-CONTRACTORS(COMMISSION CONTRACTS ONLY)**

Contract number	Subcontractor	Value of Work Unearned	Type of Work Yet to Perform	Est. Date Completion

Total Sublet and Unearned: \$

**LOW BIDS SUBMITTED, OPENED, AND NOT APPROVED**

Contract number	Bids received by:	Amount of bids	Type of Work And other comments	Est. Date Completion

(This Item Does Not Effect Bidding Capacity)

hereby certify that, to the best of my knowledge and belief, the above tabulations are true and complete and that my/our latest financial statement on file with the Commission continues to represent fairly and substantially my/our financial position as of this date.

DEHNER CONSTRUCTION, INC. (BIDDER)

(SUB-CONTRACTOR)

11/12/92

By  
Signature

President

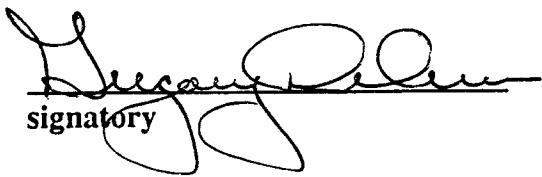
# CERTIFICATE IN LIEU OF FINANCIAL STATEMENT

I, Gregory Dehner, the \_\_\_\_\_  
name  
President \_\_\_\_\_, of DEHNER CONSTRUCTION, INC.  
position \_\_\_\_\_ company

## HEREBY CERTIFY THAT:

1. the Financial Statement of said Company, dated the 25th day of March, 1992, now on file in the office of the Board of Public Works of the City of Fort Wayne, Indiana, made a part hereof, is a true and correct statement, and, accurately reflects the financial condition of said Company, as of the date hereof; and,
2. I am familiar with the books of said Company, showing its financial condition and am authorized to make this certificate on its behalf.

DATE: November 12, 1992



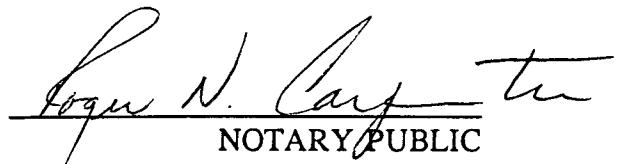
signatory

Gregory Dehner

printed name of signatory

## ACKNOWLEDGED

SUBSCRIBED AND SWORN to before me, a Notary Public, in and for said County and State, this 12th day of November, 1992.

  
\_\_\_\_\_  
NOTARY PUBLIC

Roger N. Carpenter

PRINTED NAME OF NOTARY PUBLIC

A RESIDENT OF ALLEN COUNTY.  
MY COMMISSION EXPIRES January 13, 1996

# FIDELITY AND GUARANTY INSURANCE COMPANY



## BID BOND

BOND NUMBER.....

KNOW ALL MEN BY THESE PRESENTS:

THAT DEHNER CONSTRUCTION, INC. ....

..... of Fort Wayne, Indiana.....  
....., as Principal, and FIDELITY AND GUARANTY  
INSURANCE COMPANY, an Iowa corporation, as Surety, are held and firmly bound unto.....

..... Purchasing Department, City of Fort Wayne, Indiana.....  
as Obligee, in the full and just sum of .....

Five Per Cent (5%) of Maximum Bid-----Dollars,  
lawful money of the United States, for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors,  
administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said Principal is herewith submitting its proposal

Water Contract #9218  
S. R. 469 and Young Road

THE CONDITION OF THIS OBLIGATION is such that if the aforesaid Principal shall be awarded the contract the said Principal will,  
within the time required, enter into a formal contract and give a good and sufficient bond to secure the performance of the terms and  
conditions of the contract, then this obligation to be void; otherwise the Principal and Surety will pay unto the Obligee the difference in  
money between the amount of the bid of the said Principal and the amount for which the Obligee legally contracts with another party  
to perform the work if the latter amount be in excess of the former, but in no event shall liability hereunder exceed the penal sum hereof.

Signed, sealed and delivered.. November 12, 1992...

(Date)

*John L. Austin*  
YASTE, ZENT & RYE AGENCY, INC.

*Carol J. Austin*

DEHNER CONSTRUCTION, INC. .... (SEAL)

*Deborah Deaver* (SEAL)

FIDELITY AND GUARANTY INSURANCE COMPANY

*John J. Pihel*  
Attorney-in-fact

FGIC

CERTIFIED COPY

## GENERAL POWER OF ATTORNEY

NO. FGIC 5839

KNOW ALL MEN BY THESE PRESENTS:

That FIDELITY AND GUARANTY INSURANCE COMPANY, a corporation organized and existing under the laws of the State of Iowa, and having its principal office at 100 Light Street, Baltimore, Maryland 21202, does hereby constitute and appoint Gerald A. Dahle, John J. Pikel, Donald T. Belbutowski and Carol J. Austin

of the City of Fort Wayne each, State of Indiana, its true and lawful Attorney(s)-in-Fact, with power and authority to sign its name as surety to, and to execute, seal, acknowledge and deliver any and all bonds, undertakings, recognizance or other written obligations in the nature thereof; and the said FIDELITY AND GUARANTY INSURANCE COMPANY hereby ratifies and confirms all of the acts of said Attorneys-in-Fact, pursuant to these premises.

This appointment is made under and by authority of a by-law of the said FIDELITY AND GUARANTY INSURANCE COMPANY, a certified copy of which is hereto annexed and made a part of this Power of Attorney.

IN WITNESS WHEREOF, the said FIDELITY AND GUARANTY INSURANCE COMPANY has caused this instrument to be sealed with its corporate seal, duly attested by the signature of its Assistant Vice President and Assistant Secretary, this 21st day of August , 19 92 .



(Signed)

FIDELITY AND GUARANTY INSURANCE COMPANY

By W.J.D. Somerville .....

Assistant Vice President

Judith C. Himpler

Assistant Secretary

(SEAL)

(Signed)

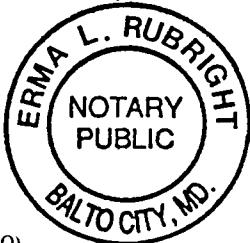
STATE OF MARYLAND )  
BALTIMORE CITY ) ss:

On this 21st day of August , 19 92 , before me personally came W.J.D. Somerville, Jr. , Assistant Vice President of FIDELITY AND GUARANTY INSURANCE COMPANY and Judith C. Himpler , Assistant Secretary of said Corporation, with both of whom I am personally acquainted, who being by me severally sworn, said that they, the said W.J.D. Somerville, Jr. and Judith C. Himpler were respectively the Assistant Vice President and Assistant Secretary of the said FIDELITY AND GUARANTY INSURANCE COMPANY, the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal; that it was so affixed by authority of the by-laws of said corporation; and that they signed their names hereto like authority as Assistant Vice President and Assistant Secretary, respectively, of the Corporation.

My Commission expires the first day of August, 1994.

(SEAL)

(Signed)



FS 83 (12-91) (HO)

Erma L. Rubright  
NOTARY PUBLIC

Copy of By-Law

"Article VI, Section 7 - Execution of Instruments.

The Chairman of the Board, the President, any Executive Vice President, any Vice President, including the Financial Vice President, or any Assistant Vice President, in conjunction with the Secretary or an Assistant Secretary, shall have power on behalf of the Company:

- (a) to execute, acknowledge, verify and deliver all contracts, obligations, instruments and documents whatsoever in connection with its business, including, without limiting the foregoing, any and all bonds, guarantees, undertakings, recognizances, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements;
- (b) to appoint one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Company."

I, Judith C. Himpler

FIDELITY AND GUARANTY INSURANCE COMPANY, hereby certify that the foregoing is a full, true and correct copy of the original power of attorney given by said company to Gerald A. Dahle, John J. Pikel, Donald T. Belbutowski and Carol J. Austin of Fort Wayne, Indiana , authorizing and empowering them to sign bonds as therein set forth, which power of attorney has never been revoked and is still in full force and effect.

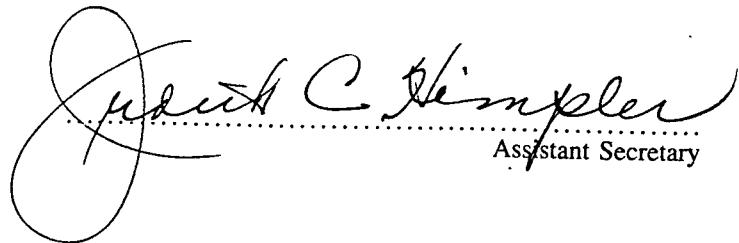
And I do further certify that said Power of Attorney was given in pursuance of a by-law of said Company, and that the foregoing is a true and correct copy of said by-law.

Facsimile, Typewritten or Mechanically Reproduced Signatures

RESOLVED, That the facsimile, typewritten or mechanically reproduced signature of any Officers and the seal of this Company, whether heretofore or hereafter, wherever appearing upon a certified copy of any Power of Attorney issued by this Company, shall be treated the same as handwritten signature and affixed seal, such certification may be by the facsimile signature of any Assistant Secretary of the Company.

This certified copy may be signed by facsimile, typewritten or mechanically reproduced signature under and by authority of the above resolution adopted by the Board of Directors of FIDELITY AND GUARANTY INSURANCE COMPANY at a meeting duly called and held on the 26th day of March, 1991, at which meeting a quorum of the Board of Directors was present, and that the foregoing is a true and correct copy of said resolution which continues in full force and effect.

In Testimony Whereof, I have hereunto set my hand and the seal of FIDELITY AND GUARANTY INSURANCE COMPANY this 12th day of November , 19 92 .



Assistant Secretary

A large, handwritten signature in black ink that reads "Judith C. Himpler". Below the signature, the text "Assistant Secretary" is printed in a smaller, sans-serif font.

## **STREET BARRICADE MAINTENANCE INFORMATION**

Listed below are the names and telephone numbers of the persons responsible for the maintenance of the barricades necessary for the duration of this contract:

### **NAME**

Tom Purkiser  
\_\_\_\_\_  
Greg Dehner  
\_\_\_\_\_  
Three Rivers Barricade  
\_\_\_\_\_

### **TELEPHONE NUMBER**

747-4270  
\_\_\_\_\_  
749-2283  
\_\_\_\_\_  
436-1611  
\_\_\_\_\_

**DEHNER CONSTRUCTION, INC.**

**CONTRACTOR**

**CONTRACT NUMBER** 9218

## EMERGING BUSINESS ENTERPRISE (EBE) DECLARATION FORM

**BIDDER MUST CHECK EITHER "A", "B", OR "C" BELOW, TO DECLARE HIS/HER STATUS AS A E.B.E. OR NON-E.B.E. CONTRACTOR:**

A.  The undersigned firm certifies that it is not an EBE Contractor.

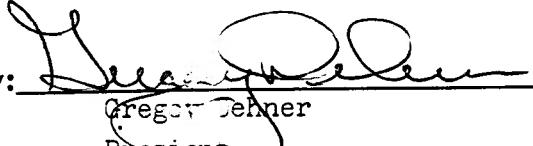
B.  The undersigned declares that it is an E.B.E. contractor.

**Please specify percentage of the economically disadvantaged individual's ownership %.**

C.  The undersigned declares that it and the firm \_\_\_\_\_, a certified E.B.E., have entered a joint venture to perform this contract, and therefore will be considered to be an E.B.E. contractor for this project.

### CONTRACTOR:

DEHNER CONSTRUCTION, INC.

By: 

Gregor Dehner

Its: President

### CONTRACTOR:

By: \_\_\_\_\_

Its: \_\_\_\_\_

**NOTE:** A successful, non-E.B.E. bidder will be required to sign an E.B.E. Rider attached to the final contract. In the Rider, the successful bidder must agree that he/she will make a good faith effort to subcontract 10% of the overall contract amount to E.B.E. - certified subcontractors. A percentage less than 10% may be stipulated by the Owner in the Instructions to Bidders, but it is the Owner's goal to strive for 10%, pursuant to Executive Order 90-01 (as amended 12-19-81) of the City of Fort Wayne.

The contract will be awarded to the lowest bidder who is responsive and responsible. E.B.E. commitment is not a part of the contract award. The successful bidder will be required to sign the E.B.E. Rider or the contract will not be signed by the Owner.

Read the first time in full and on motion by Long, seconded by \_\_\_\_\_, and duly adopted, read the second time by \_\_\_\_\_ (and the title and referred to the Committee on \_\_\_\_\_ City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock M., E.S.T.

DATED: 11-2-1-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Long, seconded by LOST, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
<u>TOTAL VOTES</u>	<u>7</u>		<u>1</u>	<u>1</u>
<u>BRADBURY</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>			<u>✓</u>	
<u>LUNSEY</u>	<u>✓</u>			
<u>RAVINE</u>				<u>✓</u>
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 12-8-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. S-20582 on the 8th day of December, 1992

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1992, at the hour of 10:30 o'clock A., M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of December, 1992, at the hour of 11:00 o'clock P., M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Ref. No. 5053 for the installation of 260+/- LF of steel casing pipe for the Water Engineering Department.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: Installation of 260+/- LF of 24" x 1/4" steel casing pipe under proposed I-469 at Young Road by open cut method.

IF REPLACEMENT, WHAT NECESSITATES:

EFFECT ON NON-PASSAGE: Cost to install casing pipe under I-469 for future expansion of water distribution system could triple in cost.

PRIOR APPROVAL REQUESTED: DATE:

MONIES INVOLVED: Dehner Construction \$21580.00

PRICE AGREEMENT: PURCHASE ORDER: YES

ACCOUNT INFORMATION: Water Engineering 513-523-W107-4431

*O-92-11-11*

BILL NO. S-92-11-11

REPORT OF THE COMMITTEE ON  
CITY UTILITIES

DAVID C. LONG, CHAIR  
SAMUEL J. TALRAICO, VICE CHAIR  
LUNSEY, BRADBURY

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS REFERRED AN (ORDINANCE) (RESOLUTION) approving the awarding of Reference #5053 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and DEHNER CONSTRUCTION, INC. for the Water Engineering Department

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Sam Lunsey

\_\_\_\_\_

David Long

\_\_\_\_\_

Samuel J. Talraico

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATED: 12-8-92.

Sandra E. Kennedy  
City Clerk